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THE SITUATION IN BOSNIA AND HERZEGOVINA

Report of the Secretary-General submitted pursuant to paragraph 29 of General Assembly resolution 48/88

1. The present report is submitted pursuant to General Assembly resolution 48/88 of 20 December 1993.

I. INTERNATIONAL CONFERENCE ON THE FORMER YUGOSLAVIA

2. By paragraph 28 of resolution 48/88, the General Assembly called for the urgent reconvening of the International Conference on the Former Yugoslavia in order to arrive at just and equitable proposals for lasting peace in the Republic of Bosnia and Herzegovina, and also called upon the parties to the conflict to show good faith as they continued to negotiate in order to reach a just, equitable and durable solution.

3. It may be recalled in this regard that there has been continuous and uninterrupted activity to help bring about a settlement of the conflict in Bosnia and Herzegovina ever since the establishment of the International Conference in August 1992. The Co-Chairmen of the Steering Committee of the Conference have devoted their efforts full time to this process. The Steering Committee has met regularly to review developments. Innumerable meetings have been held of the Working Group on Bosnia and Herzegovina, and of bilateral, trilateral and other negotiations.

4. On 2 May 1993, all three sides to the conflict signed a peace agreement negotiated under the auspices of the International Conference, but it was later repudiated by one side. The Co-Chairmen have nevertheless persisted in their efforts, as may have been seen from the 14 reports they have submitted through the Secretary-General to the Security Council since the Secretary-General's report of 18 January 1993 (A/47/869) pursuant to General Assembly resolution 47/121 of 18 December 1992.

5. The latest round of efforts by the Co-Chairmen, together with the parties, has met one of the stated objectives of the General Assembly, namely, arriving at just and equitable proposals for lasting peace. As the Co-Chairmen reported to the Security Council on 29 December (S/26922), the situation following discussions held at Geneva on 21 December and at Brussels on 22 and 23 December was as follows:

(a) There was agreement among all three sides that the Muslim-majority republic should have 33.3 per cent of territory and the Croat majority republic should have 17.5 per cent;

(b) There was agreement on the core areas to be allocated to the three republics. The issues remaining to be settled on territorial delimitation affected a small percentage of territory;

(c) Working groups were established to look into the following issues and to help achieve agreement on them by 15 January: the definition of the Mostar city area that would be placed under the temporary administration of the European Union; technical arrangements for providing the Muslim-majority republic with road and rail access to Brcko and the Sava river; access of the Muslim-majority republic to the sea around Neum; continued discussions on territorial delimitation.

6. The General Assembly has called upon the parties to the conflict to show good faith as they continue to negotiate in order to reach a just, equitable and durable solution. With most areas of an agreement now accepted by all three sides, the few areas outstanding can indeed be resolved through the demonstration of good faith and genuine willingness to achieve a negotiated solution. All the outstanding issues are capable of resolution through negotiation under the auspices of the International Conference. With the requisite will on all three sides the conflict in Bosnia and Herzegovina can, and should, come to an end immediately.

II. CEASE-FIRE

7. By paragraph 2 of the resolution, the General Assembly demanded "that all parties implement immediately, and scrupulously maintain in good faith, a cease-fire and agree to cease all hostilities throughout the Republic of Bosnia and Herzegovina ..." Innumerable cease-fires have been agreed upon and signed by the parties while practically none have been implemented. The most recent failure in the implementation of agreed undertakings by all sides is the violation of the Christmas truce which had been worked out at Brussels on 22 December under the auspices of the European Union. Because of the continuous fighting throughout Bosnia and Herzegovina, the military situation is very grave and likely to deteriorate further. The new Special Representative of the Secretary-General for the former Yugoslavia has recommended that the Presidents of Bosnia and Herzegovina, Croatia and Serbia meet with a view to avoiding catastrophic developments. The level of violence, compounded by the onset of a bitter winter, has already disrupted the ability of the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Protection Force (UNPROFOR) to deliver adequate amounts of humanitarian assistance.

III. HUMANITARIAN ASSISTANCE

8. By paragraph 12 of the resolution, the Assembly demanded "that all concerned facilitate the unhindered flow of humanitarian assistance ..." Further to the Joint Declarations on the delivery of humanitarian assistance signed by the three sides at Geneva on 18 and 29 November 1993, some initial improvement was noticed in getting winterization materials into Srebrenica, Zenica and Zepa. Regrettably, however, only 50 per cent of humanitarian assistance needed is getting through: serious obstruction to the access of humanitarian assistance throughout Bosnia and Herzegovina is being experienced because of continuous fighting between the sides, the imposition of bureaucratic procedures hindering the transport of relief goods or the denial of clearance for the passage of convoys. Furthermore, the security of humanitarian relief personnel, both civilian and military, remains an issue of great concern as relief convoys and United Nations personnel are constantly and deliberately being fired at by elements of all three warring sides with light infantry weapons, mortars and rockets.

IV. "SAFE AREAS"

9. By paragraph 6 of the resolution the General Assembly demanded "that the Bosnian Serb party lift forthwith the siege of Sarajevo and other 'safe areas'". The Bosnian Serb party has so far not complied with this demand. Indeed, the shelling of Sarajevo has increased in recent weeks, with some 1,470 shells being fired at the city in the course of one day (4 January) alone. In the same paragraph the Assembly also urged "the Secretary-General to direct the United Nations Protection Force to take necessary measures, in accordance with relevant Security Council resolution, for the protection of the 'safe areas'". UNPROFOR has been endeavouring to fulfil relevant Security Council resolutions with the limited means placed at its disposal by Governments. Against the authorized strength of 7,600 additional troops for the "safe areas", fewer than 3,000 had arrived in the theatre as of the beginning of 1994. It is expected that the remaining troops provided by Governments will be deployed in theatre by February 1994, though problems still remain regarding the deployment of troops from Pakistan (3,000 offered) and Bangladesh (1,220 offered) since the Governments concerned have declared their inability to equip their soldiers adequately for the required tasks. Efforts are being made to identify other sources of equipment for troops from these countries; the offer of a significant contribution from Germany to help equip the Pakistan battalion has been confirmed, though it does not meet the full requirements of the Government of Pakistan.

V. WITHDRAWAL OF HEAVY WEAPONS

10. By paragraph 7 of the resolution, the General Assembly demanded that "the Bosnian Serb party withdraw all its heavy weaponry and forces to areas outside the city of Sarajevo and other 'safe areas' to a distance where they cease to constitute a menace to their security and that of their inhabitants, and where they are to be monitored by United Nations military observers, and urged all parties to agree to implement further confidence-building measures". No

significant withdrawal has taken place, though the presence of UNPROFOR in the "safe areas" appears to have deterred the Bosnian Serb party from making any further incursions into these areas. Efforts to implement confidence-building measures continue, including discussions at meetings of the Mixed Military Working Group (MMWG), in which issues are discussed amongst military commanders of the three parties.

VI. OPENING OF TUZLA AIRPORT

11. By paragraph 11 of the resolution, the General Assembly urged "the Secretary-General to take immediate action to reopen Tuzla airport in order to facilitate the receipt and distribution of international humanitarian aid". Though this has been a major priority of the Secretary-General and his Special Representative for the former Yugoslavia for several months, the Bosnian Serb side has been unwilling to agree to the reopening of the airport, despite considerable pressure being placed on the Serbs in various forums, including at recent high-level meetings at Brussels and Geneva. While UNPROFOR is willing to consider opening the airport without the consent of the Serbs, the Governments participating in the current humanitarian airlift in Sarajevo, as well as other Governments which might be interested in operating aircraft into Tuzla, have made it clear that they are not prepared to fly into the airport in the absence of concrete security guarantees from all parties to the conflict, especially the Serbs. In the circumstances, UNPROFOR regrettably is not in a position to proceed with the opening of Tuzla airport. However, the issue remains of high priority and continues to be pursued both by the new Special Representative, Mr. Yasushi Akashi, and by the Co-Chairmen of the Steering Committee of International Conference on the Former Yugoslavia.

VII. TELECOMMUNICATION SYSTEM

12. By paragraph 10 of the resolution, the General Assembly urged "the United Nations High Commissioner for Refugees, as part of its humanitarian assistance programme, to provide appropriate assistance to facilitate cultural exchanges between Sarajevo and the international community and to facilitate the delivery and installation of a reliable communication system in Sarajevo for the use of the civilian population".

13. UNHCR is, among its other tasks, committed to the principle of facilitating cultural exchanges between Sarajevo and the international community. The request to facilitate the delivery and installation of a reliable communication system for the use of the civilian population has also been noted.

14. Special efforts have been made in the recent past to facilitate the delivery to Sarajevo of cultural goods, such as newsprint and ink. These deliveries have been made by road or by air despite many difficulties. The same constraints, mostly owing to the attitude of the warring sides, have so far prevented the delivery of telecommunication equipment. UNHCR, with the help of UNPROFOR, will pursue its efforts to deliver these goods into Sarajevo, by land or by air, within the existing constraints and keeping in mind the urgent

winterization needs, the attitude of the parties and the respective policies of the airlift contributing States.

15. In the light of the above and following the adoption of resolution 48/88, the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) has contacted UNHCR and a meeting will shortly be organized to work out modalities of cooperation in the implementation of paragraph 10 of resolution 48/88.

VIII. PARAGRAPH 19 OF THE RESOLUTION

16. By paragraph 19 of the resolution, the General Assembly reaffirmed its resolution 47/1 of 22 September 1992 and urged Member States and the Secretariat, in fulfilling the spirit of resolution 47/1, "to end the de facto working status of Serbia and Montenegro". The text of paragraph 19 makes clear that the General Assembly has reaffirmed its resolution 47/1. It may be recalled that the United Nations Secretariat stated its considered view regarding the practical consequences of the adoption by the General Assembly of resolution 47/1 in document A/47/485 of 30 September 1992. That view has not been affected by the adoption of paragraph 19, by which the Assembly urged Member States as well as the Secretariat to end a so-called "de facto working status" which is not defined in the resolution. The Secretariat is not in a position to take action with regard to questions relating to the status of Member States in the absence of the appropriate decisions being taken by the competent organs of the Organization.

IX. COMMISSION OF EXPERTS

17. Pursuant to Security Council resolution 827 (1993), pending the appointment of the Prosecutor of the International Tribunal, the Commission of Experts will continue on an urgent basis the collection of information relating to grave breaches of the Geneva Conventions and other violations of international humanitarian law. It is therefore envisaged that upon officially taking office the Prosecutor will arrange, in cooperation with the Commission, for the orderly transfer to the seat of the Tribunal of all information collected and recorded in the database established by the Commission, and of all evidence relating to the practices of "ethnic cleansing", systematic rape and other crimes committed in the territory of the former Yugoslavia.

18. The Secretary-General has taken note of paragraph 26 of resolution 48/88 and will accordingly provide, within available resources, all support necessary to enable the Commission to carry out its activities. In this connection the Secretary-General notes that the expenses of the Commission will be met through redeployed resources of the 1994 budget of the Office of Legal Affairs, and the Trust Fund for the Commission of Experts established pursuant to Security Council resolution 780 (1992).